



COUNTY OF SAN DIEGO

2020 MAY 11 AM 10:37

CLERK OF THE BOARD
OF SUPERVISORS

COUNTY OF SAN DIEGO

BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

AGENDA ITEM

DATE: May 19, 2020 and June 2, 2020

15

TO: Board of Supervisors

SUBJECT

ELIMINATING JUVENILE JUSTICE FEES TO SUPPORT REHABILITATIVE GOALS FOR YOUTH AND FAMILIES (DISTRICTS: ALL)

OVERVIEW

Nationally, researchers estimate one million youth appear before juvenile courts each year, acquiring debts for costs such as days in custody, legal assistance, and community supervision, among others. Locally, about 9,100 families are affected by these fees. Juvenile fees can negatively impact families by focusing their priorities on paying back local governments instead of supporting their child's ability to quickly and successfully complete their probation terms. It's critical that families play a positive role in their child's rehabilitation efforts and strengthen their ability to permanently exit the justice system. These fees impact the County of San Diego's rehabilitative goals for youth and families, many of whom already live below the poverty line. The debt follows families well after the child's offense and term of probation is completed, affecting their ability to invest in basic needs such as education and healthcare, or financially preparing their child for life as an adult. The long-term consequences of these outstanding debts further exacerbate conditions of poverty for not only the affected families but for their surrounding community and can lead to further unintended costs to society.

In 2017, the San Diego County Probation Department, at the Board of Supervisors approval, began working with Georgetown University's Center for Juvenile Justice Reform (CJJR) to align our local juvenile justice systems operations to national best practices of family restoration, youth rehabilitation, and developing a positive youth development philosophy. National experts find that juvenile debt correlates with a greater likelihood of recidivism or reoffending rates and is counterproductive to supporting families while protecting public safety. Collecting this outstanding debt has no positive impact on public safety and does not support the rehabilitation of our youth, hindering the families' ability to positively invest in their child and the community.

The Board of Supervisors has supported the County of San Diego's efforts to move toward a positive youth development model in our juvenile justice system and Chairman Cox highlighted this proposal in his State of the County Address. The County of San Diego spends one dollar for

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every dollar and sixty-seven cents collected and has only collected six percent of past fee debts since 2018. By eliminating these fees, we are strengthening families and freeing them from this financial burden so they can focus on their relationship with their child resulting in safer and more thriving communities.

California Senate Bill 190 ended the assessment of juvenile fees statewide on January 1, 2018, but it did not end the collection of fees that were assessed before 2018. To further these goals, pending legislation, Senate Bill 1290, in the State of California proposes eliminating past juvenile fee debt.

Today's action amends the San Diego County Administrative Code to be consistent with Senate Bill 190, and repeals and codifies portions of Ordinance No. 10227, which was accidentally not codified due to a clerical error after it was adopted in 2012. Today's action also directs staff to cease the collection of outstanding juvenile delinquency debt and provide relief of liability. This will enable our County to quickly respond to anticipated State legislation while ensuring alignment with our County's goals outlined in the Youth in Custody Practice Model to achieve the maximum public benefit from investments in new approaches to juvenile justice.

These actions would take effect immediately and the ordinance will have retroactive effect as of February 14, 2020, to provide urgent and direct financial relief to these families who are already facing unprecedented financial hardships due to the unintended consequences of the COVID-19 global pandemic.

**RECOMMENDATION(S)
CHAIRMAN GREG COX AND SUPERVISOR KRISTIN GASPAR**

1. Read title, waive further reading and adopt the urgency ordinance (**4 VOTES**):

AN URGENCY ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO JUVENILE DELINQUENCY FEES TO TAKE EFFECT IMMEDIATELY.

2. Approve the introduction of the Ordinance, (first reading) read title and waive further reading of the Ordinance:

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO JUVENILE DELINQUENCY FEES.

Submit the Ordinance for further Board consideration and adoption (second reading) on June 2, 2020.

3. Waive Board Policy B-29, Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery - as it relates to the collection of outstanding juvenile delinquency fee debt.

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4. Waive Board Policy B-29, Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery - as it relates to \$18 of the \$20 fee charged by County Recorder to record approximately 13,000 satisfaction of judgements.
5. If the Board adopts the Ordinance, direct the Chief Administrative Officer to implement the ordinance and take any necessary actions to provide relief of accountability for outstanding juvenile delinquency administrative fees, including satisfaction of liens, judgments and payment agreements, and provide for refunds to individuals for juvenile delinquency administrative fees collected on or after February 14, 2020.
6. Direct the Chief Administrative Officer to draft a letter communicating the Board of Supervisors' support for State Senate Bill 1290 to San Diego County's legislative delegation in Sacramento and to the appropriate members of the State and Administration.
7. Direct the Chief Administrative Officer to include in the Board's Legislative Program support of legislation that will eliminate past juvenile fee debt.

FISCAL IMPACT

If approved, the action to cease collection of fees assessed prior to December 31, 2017, and to provide relief of liability, will result in additional costs and lost revenues. The action will reduce revenue to County departments by approximately \$300,000 in the current Fiscal Year 2019-20 and will reduce revenues by approximately \$1.5 million in Fiscal Year 2020-21. Future fiscal year collections of amounts assessed prior to December 31, 2017, would not be received. If approved, the action will also result in costs of \$26,000 in Fiscal Year 2019-20 related to the \$2 fee (\$18 of the \$20 charged by the County Recorder is waived) to record satisfaction of judgements. Funds for the increased costs are included in the Fiscal Year 2019-20 Adopted Operational Plan for the Office of Revenue and Recovery and the funding source is General Purpose Revenue.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

Nationally, researchers estimate one million youth appear before juvenile courts each year, acquiring debts for costs such as days in custody, legal assistance, and community supervision, among others. Locally, about 9,100 families are affected by these fees. Juvenile fees can negatively impact families by focusing their priorities on paying back local governments instead of supporting their child's ability to quickly and successfully complete their probation terms. It's critical that families play a positive role in their child's rehabilitation efforts and strengthen their ability to permanently exit the justice system. These fees impact the County of San Diego's rehabilitative goals for youth and families, many of whom already live below the poverty line. The debt follows families well after the child's offense and term of probation is completed, affecting their ability to

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invest in basic needs such as education and healthcare or financially preparing their child for life as an adult. The long-term consequences of these outstanding debts further exacerbate conditions of poverty for not only the affected families but for their surrounding community and can lead to further unintended costs to society.

The Board of Supervisors has supported the County of San Diego's efforts to move toward a positive youth development model in our juvenile justice system and Chairman Cox highlighted this proposal in his State of the County Address. San Diego County's declining juvenile arrest rates and number of youth on probation are due in part to the expansion of community-based programs that strengthen the continuum of services that comprise the San Diego County Comprehensive Strategy for Youth, Family and the Community (Comprehensive Strategy). Prevention, diversion and intervention services are designed to support youth and keep them from entering or escalating within the juvenile justice system. Working with our network of community providers we have been successful in supporting youth and families and reducing delinquent juvenile behavior.

In consultation with experts from Georgetown's Center for Juvenile Justice Reform (CJJR), the San Diego County Probation Department is implementing the Youth in Custody Practice Model (YICPM) to further the goals of family restoration, youth rehabilitation and increase positive youth and family experiences and outcomes. National experts find that juvenile debt correlates with a greater likelihood of recidivism or reoffending rates and are counterproductive to supporting families while protecting public safety. Collecting this outstanding debt has no positive impact on public safety and does not support the rehabilitation of our youth, hindering the families' ability to positively invest in their child and the community. The County of San Diego spends one dollar for every dollar and sixty-seven cents collected and has only collected six percent of past fee debts since 2018. By eliminating these fees, we are strengthening families and freeing them from this financial burden so they can focus on their relationship with their child. Removal of fees also allows families to focus on their child's ability to successfully complete their probation terms by completing mandatory treatment programs, community services, and victim restitution.

California Senate Bill 190 ended the assessment of juvenile fees statewide on January 1, 2018, but it did not end the collection of fees that were assessed before 2018. To further these goals, pending legislation, SB 1290, in the State of California proposes eliminating past juvenile fee debt. Nevada has also ended the assessment of juvenile fees and jurisdictions in Pennsylvania, Louisiana, Kansas, Ohio and Wisconsin have similarly followed suit while pending bills exist in Maryland and New Jersey.

Today's action amends the County Administrative Code to be consistent with Senate Bill 190, and repeals and codifies portions of Ordinance No. 10227, which was accidentally not codified due to a clerical error after that ordinance was adopted in 2012. Today's action also directs staff to cease the collection of outstanding juvenile delinquency debt and provide relief of liability. Furthermore, the ordinance will allow for the Office of Revenue and Recovery to record approximately 13,000 satisfaction of judgements with the County Recorder at a reduced charge and in compliance with State law. A waiver of Board Policy B-29, Fees, Grants, Revenue Contracts, is necessary to allow the Office of Revenue and Recovery to: (i) cease the collection of outstanding juvenile delinquency

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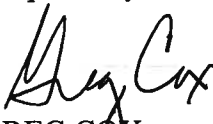
fee debt; and, (ii) record the satisfaction of judgments with the County Recorder at an amount that does not capture the full cost of recordation. This will enable our County to quickly respond to anticipated State legislation while ensuring alignment with our County's goals outlined in the YICPM to achieve the maximum public benefit from investments in new approaches to juvenile justice.

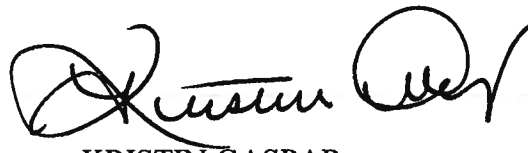
These actions would take effect immediately and the ordinance will have retroactive effect as of February 14, 2020, to provide urgent and direct financial relief to these families who are already facing unprecedented financial hardships due to the unintended consequences of the COVID-19 global pandemic.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's proposed action supports the Building Better Health and Living Safely Initiatives of the County of San Diego's 2020-2025 Strategic Plan by eliminating obstacles to effective rehabilitation of youth and families for overall public benefit.

Respectfully submitted,


GREG COX
Chairman, First District


KRISTIN GASPAR
Supervisor, Third District

ATTACHMENT(S):

- ATTACHMENT A - AN URGENCY ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO JUVENILE DELINQUENCY FEES
- ATTACHMENT B - AN URGENCY ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO JUVENILE DELINQUENCY FEES. (Informational Copy)
- ATTACHMENT C – SUMMARY OF PROPOSED ORDINANCE

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ALL)

AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED
 Yes No

PREVIOUS RELEVANT BOARD ACTIONS:
N/A

BOARD POLICIES APPLICABLE:
A-92, Juvenile Justice

BOARD POLICY STATEMENTS:
N/A

MANDATORY COMPLIANCE:
N/A

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION
NUMBER(S):**
N/A

ORIGINATING DEPARTMENT: Districts 1 and 3

OTHER CONCURRENCE(S): N/A

CONTACT PERSON(S):

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ORDINANCE NO. _____(N.S.)

**AN URGENCY ORDINANCE AMENDING THE SAN DIEGO
COUNTY ADMINISTRATIVE CODE,
RELATING TO JUVENILE DELINQUENCY FEES**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that

(a) California Senate Bill (SB) 190 ended the assessment of juvenile fees statewide on January 1, 2018, but it did not end the collection of fees that were assessed before 2018.

(b) National experts find that juvenile debt correlates with a greater likelihood of recidivism or reoffending rates and are counterproductive to supporting families while protecting public safety. Collecting this outstanding debt has no positive impact on public safety and does not support the rehabilitation of our youth, hindering the families' ability to positively invest in their child and the community.

(c) These fees undermine the County of San Diego's rehabilitative goals for youth and families, many of whom already live below the poverty line. Fees follow families well after the child's offense and term of probation is served, impacting their ability to invest in basic needs such as education and healthcare. The long-term effects of these outstanding debts further exacerbate conditions of poverty for not only the affected families but for the surrounding community and can lead to further unintended costs to society.

(d) The amendments made by this urgency ordinance are intended to reflect those changes in juvenile delinquency fees established by SB 190 as well as make other conforming and technical changes. This ordinance also instructs staff to cease the collection of outstanding juvenile delinquency debt and satisfy all related liens, judgements and payment agreements.

(e) On February 14, 2020, the Board of Supervisors declared a local emergency due to the COVID-19 pandemic. In the following weeks, the federal, state and county government closed non-essential businesses causing thousands of San Diegan residents to go without a paycheck and job for the unforeseeable future. Accordingly, the Board of Supervisors finds the need to implement this ordinance *immediately with a retroactive date of February 14, 2020* to provide direct financial relief to thousands of San Diegan families during this unprecedented time.

Section 2. Section 92 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 92. REVENUE AND RECOVERY FUNCTIONS OF THE DEPARTMENT.

The Department will provide professional collections and revenue recovery services which will serve all levels of County Government to maximize the recovery of moneys due and owing. The Auditor & Controller shall review and make recommendations upon all budget requests for collection of accounts receivable which may be assigned to the Department. In carrying out these functions, the Department shall perform such functions as may be assigned to it including but not limited to the following:

(a) The billing and collections of moneys for health care services provided by the Health and Human Services Agency. This includes recovery on behalf of State and Federal subsidized programs.

(b) The billing and collection of welfare eligibility frauds and overpayments.

(c) The billing and collection of General Relief repayments. Further, the Auditor & Controller is authorized to defer billing, or compromise and settle a General Relief account when investigation reveals that such action is in the best interest of the County.

(d) The processing, maintenance and recovery on Grants of Liens in favor of the County.

(e) Act on behalf of the Chief Probation Officer to collect fines, restitution, costs of probation supervision, costs of pre-sentence investigation, and other associated fees and costs.

(f) The screening of felony and misdemeanor defendants who receive court-appointed and County provided attorney services to determine their ability to pay and the billing and collection of County provided attorney services.

(g) Enforce recovery of accounts receivable for all County departments when directed to do so by the Chief Administrative Officer (including requests by the Board) or by agreement between the Office of Revenue and Recovery and County departments.

(h) The billing and collection of fines and fees on behalf of State or court agencies by signed agreement between the Office of Revenue and Recovery and the agency.

(i) The collection of restitution orders, restitution fines and revocation restitution fines from offenders pursuant to Penal Codes 1202.45, 2085.5, 2085.6, and 2085.7.

Section 3. Effective February 14, 2020, the Office of Revenue and Recovery shall cease the collection of costs for juvenile delinquency administrative fees, juvenile delinquency legal services, and the support and maintenance of minors placed by order of the Juvenile Court in any of the County Juvenile Probation Facilities or out of home placements as is consistent with California State Senate Bill 190 (2017). These costs do not include restitution and restitution fines.

Section 4. Effective February 14, 2020, the unpaid outstanding balance of any juvenile delinquency administrative fees, juvenile delinquency legal services, juvenile detention fees, juvenile probation and home supervision fees, and juvenile electronic supervision and monitoring fees imposed before January 1, 2018, against a minor, the minor's parent or guardian or other person liable for the minor's support shall be waived, uncollectable and vacated. All related liens, judgements and payment agreements for those costs shall be satisfied.

Section 5. Notwithstanding San Diego County Administrative Code section 86.7(i), the fee for recording every release of lien, encumbrance, or notice executed and submitted for recordation by the Office of Revenue and Recovery pursuant to this ordinance shall be two dollars (\$2) and shall be used solely to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in the county's system of recorded documents.

Section 6. Section 363 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 363. PROBATION DEPARTMENT.

The following fees and charges shall be paid to the San Diego County Probation Department or the County collection agent:

(a) A program administrative fee not to exceed \$59 for enrollment, re-enrollment/out-of-county or out-of-state transfer in the Public Service Work Program pursuant to Section 4024.2(e) of the Penal Code, according to his or her ability to pay.

(b) A fee of \$689 charged to public agencies to recover the cost of supervision and supplies to provide Public Service Work Program work crews.

(c) A fee for the cost of services rendered for processing of adult petitions for change of plea or setting aside of a verdict shall be the actual cost of services rendered, not to exceed \$150 per case pursuant to Penal Code Sections 1203.4(d). This fee shall be applied to a person whether or not the petition is granted and the records are sealed or expunged. Ability to make this reimbursement shall be determined by the court.

(d) A person who is 26 years of age or older and petitions for an order sealing a record under Penal Code section 1203.45, related to a misdemeanor committed while under the age of eighteen (18) years, may be required to reimburse the county for the actual cost of services rendered, not to exceed \$150. This fee shall be applied to a person whether or not the petition is granted and the records are sealed or expunged. Ability to make this reimbursement shall be determined by the court.

(e) Pursuant to Sections 1203.1b and 1203.9(d) of the Penal Code, the Probation Department shall impose fees for adult probationer services, investigation and supervision, according to his or her ability to pay, as follows:

(1) Probation Investigative Charges:

Description	Fee (each)
(a) Pre-sentence Investigation (General Jurisdiction)	\$1,433
(b) Pre-sentence Investigation (Limited Jurisdiction)	\$793
(c) Conditional Sentencing Pre-Plea or Diversion Report	Above rates as appropriate (Same as pre-sentence reports as required)
(d) Process Investigation for transfer of Jurisdiction under Interstate Compact Agreement	\$77

(2) Probation Supervision Charges:

Description	Fee
(a) High Risk Supervision	\$176 per month
(b) Medium Risk Supervision	\$67 per month
(c) Low Risk Supervision	\$17 per month
(d) Interstate Compact Supervision	\$38 per month
(e) Effective November 1, 2001, a polygraph test fee	Effective 11-01-01, \$400 maximum
(f) Continuous Electronic Monitoring Supervision (Pen. Code § 1210.15.)	up to \$9 per unit, per day

(3) In addition to the costs of continuous electronic monitoring supervision under subdivision (e)(2)(f) of this section, an adult probationer who damages or discards his or her electronic device may be charged up to \$600 for equipment replacement costs.

(4) Related Administrative Fees: Under Penal Code section 1203.1b(h), the County shall collect from adult offenders a fee of \$75 to cover the administrative and clerical costs of processing of payment made in installments to the Probation Department pursuant to Penal Code section 1203.1b.

(f) Pursuant to Penal Code section 1210.1(a), in addition to any fine assessed under other provisions of law, the trial judge may require an adult convicted of a nonviolent drug possession offense who is reasonably able to do so to contribute to the cost of his or her own placement in a drug treatment program of up to \$79 per month.

(g) If the court orders restitution to be made to the victim, a fee to cover the actual administrative cost of collection, but not to exceed 15% of the total restitution ordered, shall be added to the restitution fine ordered pursuant to Penal Code Section 1203.1(l).

(h) A fee to cover the actual administrative cost of collecting the restitution fine ordered pursuant to Section 1202.4(l) of the Penal Code, not to exceed 10% of the amount ordered to be paid, shall be added to the restitution fine and included in the order of the court.

(i) A fee of up to \$250 each year for administering the approval and annual renewal process of the Batterers Diversion Programs as required by Penal Code Section 1203.097(c)(5)(B).

(j) A fee not to exceed \$30 to cover the cost of collection of fines payable in installment/non-installment pursuant to Penal Code Section 1205(e).

(k) A fee of \$42 to cover the application and administrative costs of work furlough program services pursuant to Penal Code sections 1208 and 1208.2. This fee shall only apply to adults over 21 years of age and under the jurisdiction of the criminal court.

(l) A fee up to \$5 per month for OffenderLink services.

Section 7. Section 2 of San Diego County Ordinance No. 10227, adopted on October 9, 2012 (5), and the provision of the San Diego County Code added by that section of the ordinance are hereby repealed.

Section 8. Section 364.9 of the San Diego County Code is hereby added to read as follows:

SEC. 364.9. FEES AND CHARGES RELATED TO COURT-APPOINTED COUNSEL

(a) Registration fees shall be assessed and collected in the amounts allowed by and pursuant to Penal Code section 987.5 and amendments thereto.

(b) Pursuant to Penal Code section 987.8, subdivision (c), defendants shall repay the costs of their legal assistance by a court-appointed attorney.

(c) Unless otherwise provided, the fees under this section shall be collected by the Superior Court of California, County of San Diego, and transmitted to the County of San Diego, Auditor and Controller on a monthly basis.

Section 9. Section 697 of the San Diego County Administrative Code was repealed in its entirety pursuant to Ordinance No. 10227, adopted on October 9, 2012 (5), and the section shall be codified to read as follows:

SEC. 697. [RESERVED.]

Section 10. Section 953 of the San Diego County Administrative Code shall be amended to read as follows:

SEC. 953. HOME DETENTION AND ELECTRONIC MONITORING FEES.

(a) Unless otherwise provided in this Article or State law, the Probation Department or County collection agent shall be paid pursuant to the fees and charges under County Administrative Code section 363 for home supervision and electronic monitoring of adult probation services, investigation and supervision.

(b) Each participant in the home detention program administered by the Sheriff pursuant to Penal Code section 1203.016 and 1203.018 shall be charged a program administrative fee up to \$16 per day, as specified in the table below. The Sheriff's contracted electronic monitoring vendor shall charge all or a portion of the program administrative fee based on the participant's ability to pay. If applicable, participants shall also be charged a fee for replacement of the Portable Device for Remote Alcohol Test or GPS Tracking Device, as specified below. Inability to pay all or a portion of these fees shall not preclude participation in the program, and eligibility shall not be enhanced by reason of ability to pay. The Sheriff shall ensure that all fees are administered in compliance with the requirements of Penal Code section 1208.2. These fees shall only apply to adults over 21 years of age and under the jurisdiction of the criminal court.

	Offender- Funded Fees			
Daily Rates/ Fee per Income Range	\$0-\$10,000	\$11,000-\$20,000	\$21,000-\$30,000	\$31,000-\$40,000+
GPS Monitoring	\$6.50	\$7.25	\$8.00	\$9.00
OPTIONAL (based on needs assessment)	Offender- Funded Fees			
Portable Device for Remote Alcohol Test	\$7.00	\$7.00	\$7.00	\$7.00
TOTAL (maximum possible)	\$13.50	\$14.25	\$15.00	\$16.00

Replacement Costs	Offender- Funded Fee			
GPS Tracking	\$600.00	\$600.00	\$600.00	\$600.00
Portable Device for Remote Alcohol Test	\$975.00	\$975.00	\$975.00	\$975.00

Section 11. This ordinance shall take effect and be in force immediately after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once the names of the members of this Board voting for and against it in the _____, a newspaper of general circulation published in the County of San Diego.

ORDINANCE NO. _____(N.S.)

**AN ORDINANCE AMENDING THE SAN DIEGO
COUNTY ADMINISTRATIVE CODE,
RELATING TO JUVENILE DELINQUENCY FEES**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that

(a) California Senate Bill (SB) 190 ended the assessment of juvenile fees statewide on January 1, 2018, but it did not end the collection of fees that were assessed before 2018.

(b) National experts find that juvenile debt correlates with a greater likelihood of recidivism or reoffending rates and are counterproductive to supporting families while protecting public safety. Collecting this outstanding debt has no positive impact on public safety and does not support the rehabilitation of our youth, hindering the families' ability to positively invest in their child and the community.

(c) These fees undermine the County of San Diego's rehabilitative goals for youth and families, many of whom already live below the poverty line. Fees follow families well after the child's offense and term of probation is served, impacting their ability to invest in basic needs such as education and healthcare. The long-term effects of these outstanding debts further exacerbate conditions of poverty for not only the affected families but for the surrounding community and can lead to further unintended costs to society.

(d) The amendments made by this urgency ordinance are intended to reflect those changes in juvenile delinquency fees established by SB 190 as well as make other conforming and technical changes. This ordinance also instructs staff to cease the collection of outstanding juvenile delinquency debt and satisfy all related liens, judgements and payment agreements.

(e) On February 14, 2020, the Board of Supervisors declared a local emergency due to the COVID-19 pandemic. In the following weeks, the federal, state and county government closed non-essential businesses causing thousands of San Diegan residents to go without a paycheck and job for the unforeseeable future. Accordingly, the Board of Supervisors finds the need to implement this ordinance *immediately with a retroactive date of February 14, 2020* to provide direct financial relief to thousands of San Diegan families during this unprecedented time.

Section 2. Section 92 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 92. REVENUE AND RECOVERY FUNCTIONS OF THE DEPARTMENT.

The Department will provide professional collections and revenue recovery services which will serve all levels of County Government to maximize the recovery of moneys due and owing. The Auditor & Controller shall review and make recommendations upon all budget requests for collection of accounts receivable which may be assigned to the Department. In carrying out these functions, the Department shall perform such functions as may be assigned to it including but not limited to the following:

(a) The billing and collections of moneys for health care services provided by the Health and Human Services Agency. This includes recovery on behalf of State and Federal subsidized programs.

~~(b) The billing and collection of costs incurred prior to January 1, 2018 for the support and maintenance of minors placed by order of the Juvenile Court in any of the County Juvenile Probation Facilities or out of home placements.~~

(e**b**) The billing and collection of welfare eligibility frauds and overpayments.

(d**c**) The billing and collection of General Relief repayments. Further, the Auditor & Controller is authorized to defer billing, or compromise and settle a General Relief account when investigation reveals that such action is in the best interest of the County.

(e**d**) The processing, maintenance and recovery on Grants of Liens in favor of the County.

(f**e**) Act on behalf of the Chief Probation Officer to collect fines, restitution, costs of probation supervision, costs of pre-sentence investigation, and other associated fees and costs.

(g**f**) The screening of felony and misdemeanor defendants who receive court-appointed and County provided attorney services to determine their ability to pay and the billing and collection of County provided attorney services.

(h**g**) Enforce recovery of accounts receivable for all County departments when directed to do so by the Chief Administrative Officer (including requests by the Board) or by agreement between the Office of Revenue and Recovery and County departments.

(i**h**) The billing and collection of fines and fees on behalf of State or court agencies by signed agreement between the Office of Revenue and Recovery and the agency.

(j**i**) The collection of restitution orders, restitution fines and revocation restitution fines from offenders pursuant to Penal Codes 1202.45, 2085.5, 2085.6, and 2085.7.

Section 3. Effective February 14, 2020, the Office of Revenue and Recovery shall cease the collection of costs for juvenile delinquency administrative fees, juvenile delinquency legal services, and the support and maintenance of minors placed by order of the Juvenile Court in any of the County Juvenile Probation Facilities or out of home placements as is consistent with

California State Senate Bill 190 (2017). These costs do not include restitution and restitution fines.

Section 4. Effective February 14, 2020, the unpaid outstanding balance of any juvenile delinquency administrative fees, juvenile delinquency legal services, juvenile detention fees, juvenile probation and home supervision fees, and juvenile electronic supervision and monitoring fees imposed before January 1, 2018, against a minor, the minor’s parent or guardian or other person liable for the minor’s support shall be waived, uncollectable and vacated. All related liens, judgements and payment agreements for those costs shall be satisfied.

Section 5. Notwithstanding San Diego County Administrative Code section 86.7(i), the fee for recording every release of lien, encumbrance, or notice executed and submitted for recordation by the Office of Revenue and Recovery pursuant to this ordinance shall be two dollars (\$2) and shall be used solely to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in the county’s system of recorded documents.

Section 6. Section 363 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 363. PROBATION DEPARTMENT.

The following fees and charges shall be paid to the San Diego County Probation Department or the County collection agent:

~~(a) A fee not to exceed \$150 for the actual costs of services rendered in the sealing or expunging of juvenile court or arrest records, pursuant to Section 903.3(b) of the Welfare and Institutions Code. Reimbursement shall be applied whether or not the petition is granted and the records are sealed or expunged. A person’s ability to pay shall be determined by the court.~~

(ba) A program administrative fee not to exceed \$59 for enrollment, re-enrollment/out-of-county or out-of-state transfer in the Public Service Work Program pursuant to Section 4024.2(e) of the Penal Code, according to his or her ability to pay.

(eb) A fee of \$689 charged to public agencies to recover the cost of supervision and supplies to provide Public Service Work Program work crews.

~~(d) A fee for daily charges for the care of minor persons in the custody of the Probation Officer and minors under Probation supervision shall be imposed upon a person pursuant to Welfare and Institutions Code Sections 903 and 904, as follows:~~

Facility	Fee (up to)
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(1) Juvenile Hall	\$30 per day
(2) Girls Rehabilitation Facility	\$30 per day
(3) Juvenile Ranch Facility	\$30 per day
(4) Camp Barrett	\$30 per day

~~(e) A fee of \$28 per day for the cost of home supervision or electronic surveillance of the minor may be imposed by the juvenile court, pursuant to Welfare and Institutions Code sections 903.2 and 904, if the father, mother, spouse or other person liable for the support of a minor, the estate of that person and the estate of the minor is determined to have the financial ability to pay.~~

~~(f) A fee to recover the County's payments made to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities (DJF) for the care, support and maintenance of County wards under the direct supervision of DJF, or in any institution, boarding home, foster home, or other private or public institution in which they are placed by DJF, and cared for and supported at the expense of DJF on and after July 1, 2012 at a rate of \$65.7534 per day or \$2,000 monthly pursuant to Sections 903 and 912 of the Welfare and Institutions Code.~~

(gc) A fee for the cost of services rendered for processing of adult petitions for change of plea or setting aside of a verdict shall be the actual cost of services rendered, not to exceed \$150 per case pursuant to Penal Code Sections 1203.4(d). This fee shall be applied to a person whether or not the petition is granted and the records are sealed or expunged. Ability to make this reimbursement shall be determined by the court.

(hd) A person who is 26 years of age or older and petitions for an order sealing a record under Penal Code section 1203.45, related to a misdemeanor committed while under the age of eighteen (18) years, may be required to reimburse the county for the actual cost of services rendered Fees for the petition to seal or expunge records related to a misdemeanor committed while under the age of eighteen (18) years shall be the actual cost of services rendered, not to exceed \$150, pursuant to Penal Code section 1203.45. This fee shall be applied to a person whether or not the petition is granted and the records are sealed or expunged. Ability to make this reimbursement shall be determined by the court.

(ie) Pursuant to Sections 1203.1b and 1203.9(d) of the Penal Code, the Probation Department shall impose fees for adult probationer services, investigation and supervision, ~~including fees~~ according to his or her ability to pay, as follows:

(1) Probation Investigative Charges:

Description	Fee (each)
(a) Pre-sentence Investigation (General Jurisdiction)	\$1,433
(b) Pre-sentence Investigation	\$793

(Limited Jurisdiction)	
(c) Conditional Sentencing Pre-Plea or Diversion Report	Above rates as appropriate (Same as pre-sentence reports as required)
(d) Process Investigation for transfer of Jurisdiction under Interstate Compact Agreement	\$77

(2) Probation Supervision Charges:

Description	Fee (monthly, except (e))
(a) High Risk Supervision	\$176 per month
(b) Medium Risk Supervision	\$67 per month
(c) Low Risk Supervision	\$17 per month
(d) Interstate Compact Supervision	\$38 per month
(e) Effective November 1, 2001, a polygraph test fee	Effective 11-01-01, \$400 maximum
(f) <u>Continuous Electronic Monitoring Supervision</u> (Pen. Code § 1210.15.)	up to \$9 per unit, per day

(3) In addition to the costs of continuous electronic monitoring supervision under subdivision (e)(2)(f) of this section, an adult probationer who damages or discards his or her electronic device may be charged up to \$600 for equipment replacement costs.

(34) Related Administrative Fees: Under Penal Code section 1203.1b(h), the County shall collect from adult offenders a fee of \$75 to cover the administrative and clerical costs of processing of payment made in installments to the Probation Department pursuant to Penal Code section 1203.1b.

~~(j) Pursuant to Penal Code section 1208.2, the program administrative fee and application fee for an electronic home detention program pursuant to sections 1203.016, 1203.018 shall be \$28 per day. The amount each participant is charged shall be determined according to the participant's ability to pay. Inability to pay all or a portion of the program fees shall not preclude participation in the program, and eligibility shall not be enhanced by reason of ability to pay.~~

~~(k) Fees and charges for the cost of probation supervision that utilizes continuous electronic monitoring, including Global Positioning System (GPS), shall be as follows, pursuant to Penal Code sections 1210.7 and 1210.15:~~

~~(1) A fee up to \$9 per unit per day to cover GPS administrative costs.~~

~~(2) Charges up to \$600 for equipment replacement costs.~~

(lf) Pursuant to Penal Code section 1210.1(a), in addition to any fine assessed under other provisions of law, the trial judge may require an person adult convicted of a nonviolent drug possession offense who is reasonably able to do so to contribute to the cost of his or her own placement in a drug treatment program of up to \$79 per month.

(mg) If the court orders restitution to be made to the victim, a fee to cover the actual administrative cost of collection, but not to exceed 15% of the total restitution ordered, shall be added to the restitution fine ordered pursuant to Penal Code Section 1203.1(l).

(nh) A fee to cover the actual administrative cost of collecting the restitution fine ordered pursuant to Section 1202.4(l) of the Penal Code, not to exceed 10% of the amount ordered to be paid, shall be added to the restitution fine and included in the order of the court.

(ei) A fee of up to \$250 each year for administering the approval and annual renewal process of the Batterers Diversion Programs as required by Penal Code Section 1203.097(c)(5)(B).

(pj) A fee not to exceed \$30 to cover the cost of collection of fines payable in installment/non-installment pursuant to Penal Code Section 1205(e).

(ek) A fee of \$42 to cover the application and administrative costs of work furlough program services pursuant to Penal Code sections 1208 and 1208.2. This fee shall only apply to adults over 21 years of age and under the jurisdiction of the criminal court.

~~(f) Fees and charges for Secure Continuous Remote Alcohol Monitoring (SCRAM) services, pursuant to Penal Code Sections 1202.8 and 1203.1.~~

~~(1) A one-time charge of \$100 for installation, battery changes, general maintenance, and removal.~~

~~(2) A monthly fee up to the maximum of \$1,530 to cover SCRAM administrative costs.~~

~~(3) Charges up to a maximum of \$1,500 for equipment replacement costs.~~

(sl) A fee up to \$5 per month for OffenderLink services.

Section 7. Section 2 of San Diego County Ordinance No. 10227, adopted on October 9, 2012 (5), and the provision of the San Diego County Code added by that section of the ordinance are hereby repealed.

Section 8. Section 364.9 of the San Diego County Code is hereby added to read as follows:

SEC. 364.9. FEES AND CHARGES RELATED TO COURT-APPOINTED COUNSEL

(a) Registration fees shall be assessed and collected in the amounts allowed by and pursuant to Penal Code section 987.5 and amendments thereto.

(b) Pursuant to Penal Code section 987.8, subdivision (c), defendants shall repay the costs of their legal assistance by a court-appointed attorney.

(c) Unless otherwise provided, the fees under this section shall be collected by the Superior Court of California, County of San Diego, and transmitted to the County of San Diego, Auditor and Controller on a monthly basis.

Section 9. Section 697 of the San Diego County Administrative Code was repealed in its entirety pursuant to Ordinance No. 10227, adopted on October 9, 2012 (5), and the section shall be codified to read as follows:

SEC. 697. [RESERVED.]

Section 10. Section 953 of the San Diego County Administrative Code shall be amended to read as follows:

SEC. 953. HOME DETENTION AND ELECTRONIC MONITORING FEES.

(a) Unless otherwise provided in this Article or State law, the Probation Department or County collection agent shall be paid pursuant to the fees and charges under County Administrative Code section 363 for home supervision and electronic monitoring of ~~minor persons in custody of the Probation Officer, minors under Probation supervision and adult~~ probation services, investigation and supervision.

(b) Each participant in the home detention program administered by the Sheriff pursuant to Penal Code section 1203.016 and 1203.018 shall be charged a program administrative fee up to \$16 per day, as specified in the table below. The Sheriff's contracted electronic monitoring vendor shall charge all or a portion of the program administrative fee based on the participant's ability to pay. If applicable, participants shall also be charged a fee for replacement of the Portable Device for Remote Alcohol Test or GPS Tracking Device, as specified below. Inability to pay all or a portion of these fees shall not preclude participation in the program, and eligibility shall not be enhanced by reason of ability to pay. The Sheriff shall ensure that all fees are administered in compliance with the requirements of Penal Code section 1208.2. These fees shall only apply to adults over 21 years of age and under the jurisdiction of the criminal court.

	Offender- Funded Fees			
Daily Rates/ Fee per Income Range	\$0- \$10,000	\$11,000- \$20,000	\$21,000- \$30,000	\$31,000- \$40,000+

GPS Monitoring	\$6.50	\$7.25	\$8.00	\$9.00
OPTIONAL (based on needs assessment)	Offender- Funded Fees			
Portable Device for Remote Alcohol Test	\$7.00	\$7.00	\$7.00	\$7.00
TOTAL (maximum possible)	\$13.50	\$14.25	\$15.00	\$16.00

Replacement Costs	Offender- Funded Fee			
GPS Tracking	\$600.00	\$600.00	\$600.00	\$600.00
Portable Device for Remote Alcohol Test	\$975.00	\$975.00	\$975.00	\$975.00

Section 11. This ordinance shall take effect and be in force immediately after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once the names of the members of this Board voting for and against it in the _____, a newspaper of general circulation published in the County of San Diego.

SUMMARY OF PROPOSED ORDINANCE

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of San Diego will consider for adoption:

AN URGENCY ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO JUVENILE DELINQUENCY FEES TO TAKE EFFECT IMMEDIATELY.

This ordinance will update the Administrative Code regarding the collection of juvenile delinquency fees assessed prior to January 1, 2018. The proposed urgency ordinance will be presented to the Board for adoption on Tuesday, May 19, 2020, at which time public testimony will be received.

The Board meets at 9 a.m., in Room 310, County Administration Center, 1600 Pacific Highway, San Diego, California.

Interested persons are encouraged to review the text of the proposed ordinance. A copy of the full text is available online at <http://www.sandiegocob.com>

This summary is published pursuant to Government Code Section 25124 and Board of Supervisors' action of January 2, 1979, authorizing publication.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

By: Dana B. Maier, Senior Deputy County Counsel